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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,021	01/30/2001	Horst Bayer	01 P 7440 US	5515

7590

07/20/2005

Siemens Corporation  
Attn: Elsa Keller, Legal Administrator  
Intellectual Property Department  
186 Wood Avenue South  
Iselin, NJ 08830

EXAMINER

COLON, CATHERINE M

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/773,021

Applicant(s)

BAYER ET AL.

Examiner

C. Michelle Colon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 10, 2005 has been entered.

Claims 1, 4, 6, 12 and 18-20 have been amended. Claim 10 has been previously canceled. Claims 1-9 and 11-20 are now pending in this application.

### ***Response to Amendment***

2. Applicant's amendments to claims 1, 4, 6, 12 and 18-20 are acknowledged.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 5-7, 11-13, 15 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Weiner (U.S. 6,631,184).

As per claims 1, 12 and 18-20, Weiner discloses a method, apparatus and machine-readable medium having stored thereon data representing sequences of instructions, said sequences of instructions executed by a processor, for aggregating feedback, comprising:

receiving a first set of travel information including information identifying a traveler, an itinerary of said traveler, and at least one travel service provider scheduled to provide services to said traveler (col. 3, line 65-col. 4, line 4; col. 5, lines 1-5; col. 6, lines 1-6; col. 8, lines 1-3; The system receives traveler identifying information based on the communities in which the traveler is a member of and provides feedback in. The system may also receive "time of arrival" information. The traveler indicates the hotel the feedback is associated with.);

automatically generating after completion of travel associated with said itinerary, by a processor, a feedback request based on said first set of travel information and requesting specific feedback regarding said at least one travel service provider (col. 4, lines 23-25; col. 7, line 66-col. 8, line 10; col. 8, lines 53-65; When a traveler/user selects a hotel he/she is to provide feedback about, the system automatically provides the traveler/user a feedback form. One of the purposes of the system is for travelers/users to input feedback after receiving the service so that details and impressions are not forgotten.);

transmitting said feedback request to said traveler (col. 8, lines 53-65; The traveler/user is automatically presented with a feedback form.);

receiving feedback information from said traveler (col. 8, lines 53-65; col. 9, lines 1-6; The traveler/user may enter qualitative and quantitative feedback about the hotel.); and

analyzing said feedback information received from said traveler by said processor (col. 4, lines 56-57; col. 9, lines 7-14; The feedback is analyzed and stored so that other travelers/users may use the feedback.).

As per claims 2 and 13, Weiner discloses the method of claims 1 and 12, wherein said first set of travel information is received from a travel organizer (col. 8, lines 1-10; A traveler submits the feedback. A traveler may be the organizer for his/her trip. ).

As per claim 3, Weiner discloses the method of claim 2, wherein said analyzing further comprises: determining whether at least a portion of said feedback information should be provided to said travel organizer (col. 7, lines 51-54; col. 8, lines 44-46; The traveler/user indicates whether or not he/she wants the feedback shared with others.).

As per claim 5, Weiner discloses the method of claim 1, wherein said automatically generating further comprises: determining a type of said at least one travel service provider and generating said feedback request based on said type (col. 7, lines 29-30; Figures 2 and 3a; Travelers/users may select a category for the type of service in which to provide feedback.).

As per claim 6, Weiner discloses the method of claim 4, wherein said type is one of at least an airline, a car rental, a hotel, and a travel agency (col. 8, lines 1-10; Travelers/users provide feedback on hotels.).

As per claims 7 and 15, Weiner discloses the method of claims 1 and 12, wherein said analyzing further comprises: determining whether said feedback information includes a complaint (col. 8, lines 56-57; Ratings are on a scale from "excellent" to "bad.").

As per claim 11, Weiner discloses the method of claim 1, wherein said analyzing further comprises: determining whether at least a portion of said feedback information should be provided to said at least one travel services provider (col. 7, lines 51-54; col. 8, lines 44-46; The traveler/user indicates whether or not he/she wants the feedback shared with others.).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 8, 9, 14, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiner (U.S. 6,631,184) as applied above.

As per claim 4, Weiner discloses the method of claim 1, as discussed above. Weiner further discloses travelers submitting feedback after receiving a service so that the impression and details of the experience are fresh in their minds (col. 4, lines 22-25). Weiner does not expressly disclose comparing a travel completion date from said first set of travel information to a current date and generating said feedback request when said current date is after said travel completion date. However, in the art of customer satisfaction surveys it is old and well known to not request feedback on a service provided until after the service has been rendered. Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to generate a feedback request when the current date is after the travel completion date because

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doing so ensures that the customer has experienced the service and therefore, can provide comprehensive feedback on the service rendered, which is a goal of the feedback system of Weiner (col. 4, lines 22-25).

As per claim 16, Weiner discloses the computer-implemented method of claim 12, wherein said analyzing comprises: determining the feedback that was provided by the traveler (col. 7, line 32; Travelers/users may include freehand feedback, in which anything may be written by the traveler/user, including a request for response.). Weiner does not expressly disclose the traveler feedback is a request for a response. However, it is old and well known in customer satisfaction surveys that a freehand response can include anything, including a request for a response. Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Weiner to allow travelers to request a response in their feedback since the system already allows users to enter a freehand response. Allowing users to enter a request for a response further enhances the usefulness of the system by allowing travelers to receive feedback on their feedback.

As per claims 8, 9, 14 and 17, Weiner discloses the method of claims 7 and 16, as discussed above wherein surveys are used to solicit customer service feedback from users, where the feedback includes favorable and unfavorable responses (col. 4, lines 54-59). However, Weiner does not expressly disclose wherein said analyzing further comprises: determining whether said complaint requires a response from said at least one travel service provider and monitoring said complaint to determine whether a satisfactory response from said at least one travel service provider has been received. However, it is old and well known in the customer service industry to respond to a customer complaint in order to remedy a problem.

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Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Weiner to determine whether a complaint requires a response from a service provider and to monitor the complaint to determine whether a satisfactory response from the service provider has been received because doing so conforms to typical customer service practice to ensure that a customer's problems are being addressed to the customer's satisfaction so that the customer will return for additional services.

### ***Response to Arguments***

7. Applicant's arguments are moot in view of the new grounds of rejections.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Cadotte et al. (U.S. 4,345,315) discusses a customer satisfaction terminal;
- Stiles et al. (U.S. 6,842,737) discusses a travel information system;
- Kesel (U.S. 6,574,614) discusses a consumer feedback apparatus;
- Deniger (U.S. 5,023,435) discusses a response form processing system; and
- Abelow (U.S. 5,999,908) discusses a customer-based product/service design system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae (formerly, C. Michelle Colon) whose



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telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

***Alexandria, VA 22313-1450***

or faxed to:

703-872-9306 [Official Communications; including After Final  
communications labeled "Box AF"]

571-273-6727 [For status inquiries, draft communication, labeled  
"Proposed" or "Draft"]

Hand delivered responses should be brought to:

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***401 Dulany Street***

***Alexandria, VA 22314***



C. Michelle Colón  
Patent Examiner  
Art Unit 3623

July 16, 2005